

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff, No. 1:12-CR-274

v.

Hon. Paul L. Maloney
Chief United States District Judge

CURTIS BELL,

Defendant.

/

INFORMATION AND NOTICE OF PRIOR FELONY DRUG CONVICTION

The United States of America, by and through its attorneys, Patrick A. Miles, Jr., United States Attorney for the Western District of Michigan, and Sean C. Maltbie, Assistant United States Attorney, states as follows:

1. Count 2 of the Indictment charges Defendant Curtis Bell with possession with the intent to distribute 28 grams or more of cocaine base (“crack cocaine”), in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(iii). The statutory penalty for this offense is a mandatory minimum term of imprisonment of five years to not more than forty years, a period of supervised release of not less than four years and a fine not to exceed \$5,000,000. *See* 21 U.S.C. § 841(b)(1)(B).

2. Pursuant to Title 21, United States Code, Section 851, the United States of America hereby notifies the Court and Defendant that Defendant has a prior felony drug conviction which became final before the date set forth in the Indictment, which alleges that the offense took place from on or about October 31, 2012. Defendant incurred a prior felony drug conviction in the State of Michigan, 17th Judicial Circuit. Defendant was convicted of

Delivery/Manufacture of Marijuana, in violation of MCL § 333.7401(2)(d)(iii) on March 23, 2006. This prior felony drug conviction subjects Defendant to increased maximum penalties, if he is convicted of Count 2 of the Indictment. *See* 21 U.S.C. § 841(b)(1)(B).

3. Specifically, the statutory penalty relative to the charge set forth in Count 2 of the Indictment states that a person convicted of that offense “shall be sentenced to a term of imprisonment which may not be less than 5 years and not more than 40 years” *See* 21 U.S.C. § 841(b)(1)(B). However, the penalty provision also provides that “[i]f any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 10 years and not more than life” *See id.* The maximum fine in such circumstances becomes \$8,000,000 and the term of supervised release must be at least 8 years.

WHEREFORE, the United States of America respectfully requests that, in the event that Defendant Curtis Bell is found guilty of the offense set forth in Count 2 of the Indictment, Defendant be sentenced in accordance with the enhancement provisions of Title 21, United States Code, Sections 841(b)(1)(B).

Respectfully submitted,

PATRICK A. MILES, JR.
United States Attorney

Date: March 8, 2013

/s/ Sean C. Maltbie
SEAN C. MALTBIE
Assistant United States Attorney